

**UTILITY PATENT APPLICATION TRANSMITTAL**

(New Nonprovisional Applications Under 37 CFR § 1.53(b))

Atty. Docket 09710-1104

Client Docket RIC-01-036

J1021 U.S. PTO
10/016110
12/17/01**TO THE ASSISTANT COMMISSIONER FOR PATENTS:**

Transmitted herewith is the patent application of () application identifier or (X) first named inventor, Alan Bernard JOHNSTON, entitled PROVIDING CONTENT DELIVERY DURING A CALL HOLD CONDITION, for a(n):

(X) Original Patent Application.

() Continuing Application (prior application not abandoned):

() Continuation () Divisional () Continuation-in-part (CIP)

of prior application No: _____ Filed on: _____.

() A statement claiming priority under 35 USC § 120 has been added to the specification.

Enclosed are:

(X) Specification; 21 Total Pages. (X) Drawing(s); 6 Total Sheets.

(X) Oath or Declaration:

(X) A Newly Executed Declaration and Power of Attorney:

(X) Signed. () Unsigned. () Partially Signed.

() A Copy from a Prior Application for Continuation/Divisional (37 CFR § 1.63(d)).

() Incorporation by Reference. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated herein by reference.

() Signed Statement Deleting Inventor(s) Named in the Prior Application. (37 CFR § 163(d)(2)).

(X) Power of Attorney is (X) enclosed; () is in the prior application to: _____.

✓ (X) Assignment is (X) enclosed; () is in the prior application to: _____.

() Preliminary Amendment.

() Information Disclosure Statement and Form PTO-1449.

(X) Return Receipt Postcard.

(X) Credit Card Payment of \$ 1,128.00 (Form PTO-2038).

() A Duplicate Copy of this Form for Processing Fee Against Deposit Account.

() A Certified Copy of Priority Documents (if foreign priority is claimed).

() Small Entity Status is Asserted.

() Prior to calculation of fee, please cancel the following claims: _____.

(X) Other: Request for Non-Publication

CLAIMS AS FILED				
FOR	NO. FILED	NO. EXTRA	RATE	FEE
Total Claims	30	10	\$18.00	\$ 180.00
Independent Claims	5	2	\$84.00	\$ 168.00
Multiple Dependent Claims (if applicable)				\$0.00
Assignment Recording Fee				\$40.00
Basic Filing Fee				\$740.00
			Total Filing Fee	\$1,128.00

() Charge \$ _____ to Deposit Account _____ pursuant to 37 CFR § 1.25. At any time during the pendency of this application, please charge any fees required or credit any overpayment to this Deposit Account.

I hereby certify that this is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated below and is addressed to:

Assistant Commissioner for Patents
Box Patent Application
Washington, D.C. 20231

By: _____

Typed Name: Phouphanomketh Ditthavong

Express Mail Label No.:

Date of Deposit:

Respectfully submitted,

By:


 Phouphanomketh Ditthavong
 Reg. No.44658

Date:

12/17/01

Correspondence Address:

WORLDCOM, Inc.
 Technology Law Department
 1133 19TH ST, NW
 WASHINGTON, DC 20036
 (202) 736-6604

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FEE TRANSMITTAL for FY 2000

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 1,128.00)

Complete if Known	
Application Number	Not yet assigned
Filing Date	December 17, 2001
First Named Inventor	Johnston
Examiner Name	
Group/Art Unit	

Attorney Docket No. 09710-1104

METHOD OF PAYMENT (check one)

1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number Deposit Account Name Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

2. Payment Enclosed:

Check Credit Card Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
101 740	201 370	Utility filing fee	740.00
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	

SUBTOTAL (1) (\$ 740.00)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from Below	Fee Paid
30	-20**=	10 X 18.00	= 180.00
5	-3**=	2 X 84.00	= 168.00

**or number previously paid, if greater; For Reissues, see below

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
103 18	203 9	Claims in excess of 20
102 84	202 42	Independent claims in excess of 3
104 280	204 140	Multiple dependent claim, if not paid
109 80	209 40	**Reissue independent claims over original patent
110 18	210 9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 348.00)

3. ADDITIONAL FEES

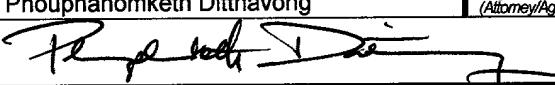
Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Petitions related to provisional applications	
126 180	126 180	Submission of information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	40.00
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	

Other fee (specify) _____

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY					
Name (Print/Type)	Phouphanomketh Dithavong	Registration No (Attorney/Agent)	44658	Telephone	(703) 425-8508
Signature				Date	12/17/01

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

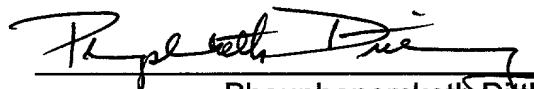
Burden Hour Statement. This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231

**REQUEST AND CERTIFICATION
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	Johnston
Title	PROVIDING CONTENT DELIVERY DURING A CALL HOLD CONDITION
Atty Docket Number	09710-1104

I hereby certify that the invention disclosed in the attached application **has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.** I hereby request that the attached application not be published under 35 U.S.C. 122(b).

12/17/01
Date


Phouphanomketh Duthavong

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing.**

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Alan Bernard JOHNSTON

Serial No.: Not yet assigned

Group Art Unit:

Filed: December 17, 2001

Examiner:

Attorney Docket No.: 09710-1104

Client Docket No.: RIC-01-036

For: PROVIDING CONTENT DELIVERY DURING A CALL HOLD CONDITION

Assistant Commissioner for Patents
Washington, D.C. 20231

DRAWING TRANSMITTAL LETTER

Sir:

Enclosed herewith please find:

- sheets of redlined drawings, which indicate proposed changes to the drawings. Upon approval of these proposed changes, formal drawings will be submitted.
- sheets of corrected formal drawings, as required by the Notice of Patent Drawings Objection (PTO-948).
- 6 sheets of formal drawings. Please substitute these formal drawings for the informal drawings originally filed.

Examiner's approval of the entry of these drawings is respectfully requested. No new matter has been added.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit:

Typed Name:

Signature: _____

Respectfully Submitted,
DITTHAVONG & CARLSON, P.C.



Phouphanomketh Ditthavong
Attorney/Agent for Applicant(s)
Reg. No. 44658

Date: December 17, 2001
Telephone No.: (703) 425-8508